



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200201203

Date: December 10, 2003

Notice No. 03-59

Closing Date: December 30, 2003

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Route 46 Land Partners, Ltd.
5050 Belmont Avenue
Youngstown, OH 44505
3. LOCATION: In unnamed tributaries and adjacent wetlands to Fourmile Run and Meander Creek, in Austintown, Mahoning County, Ohio.
4. PURPOSE AND DESCRIPTION OF WORK: The project proposes to construct the Centerpointe Business Park consisting of 30 lots and associated support structures. In order to facilitate the development of the 188 acre parcel located between Ohio Routes 46 and 11, Lanterman Road on both the west and east sides of Route 11 will be constructed. The alignment of Lanterman Road has been pre-determined because the right-of-way for Lanterman Road was purchased by Mahoning County in the 1940's and when Route 11 was constructed by the Ohio Department of Transportation in the 1960's they constructed the current Lanterman Road overpass. It is anticipated that 146 acres of the 202 acre parcel located to the east of Route 11 will be developed at a later date.

Adverse aquatic impacts include filling 16 wetland areas containing 11.3 acres of the 23.5 acres of wetlands located on the 390 acre site. Of the wetlands proposed to be impacted, 2.984 acres are rated as Category I and 8.316 acres are rated as Category II wetlands. The proposed project will impact 5,030 feet of stream channel. Two unnamed tributaries to Meander Creek, 1,892' of a perennial stream and 1,695' of an ephemeral channel will be enclosed. One 100' culvert will be installed in an unnamed tributary to Fourmile Run, and two other unnamed tributaries to Fourmile Run, 479' of an ephemeral stream channel, and 957' of a 1,387 intermittent stream channel will be enclosed. Proposed compensatory mitigation for the adverse

aquatic impacts includes replacing the wetlands at a 1:1 ratio at the Yankee Creek valley wetlands restoration project, located in Trumbull County, Ohio, and placing a preservation easement on 56 acres along approximately 2,000' of Fourmile Run and approximately 1,000' of an unnamed tributary located on the project site, east of Route 11. The preservation easement will incorporate the stream, floodplains, 12.2 acres of associated wetlands, and steep slopes. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider

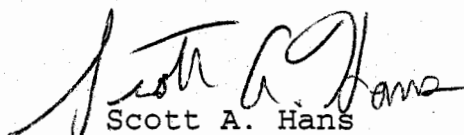
this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. ~~The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).~~

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or

deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OR-F 200201203 in all responses.

FOR THE DISTRICT ENGINEER:

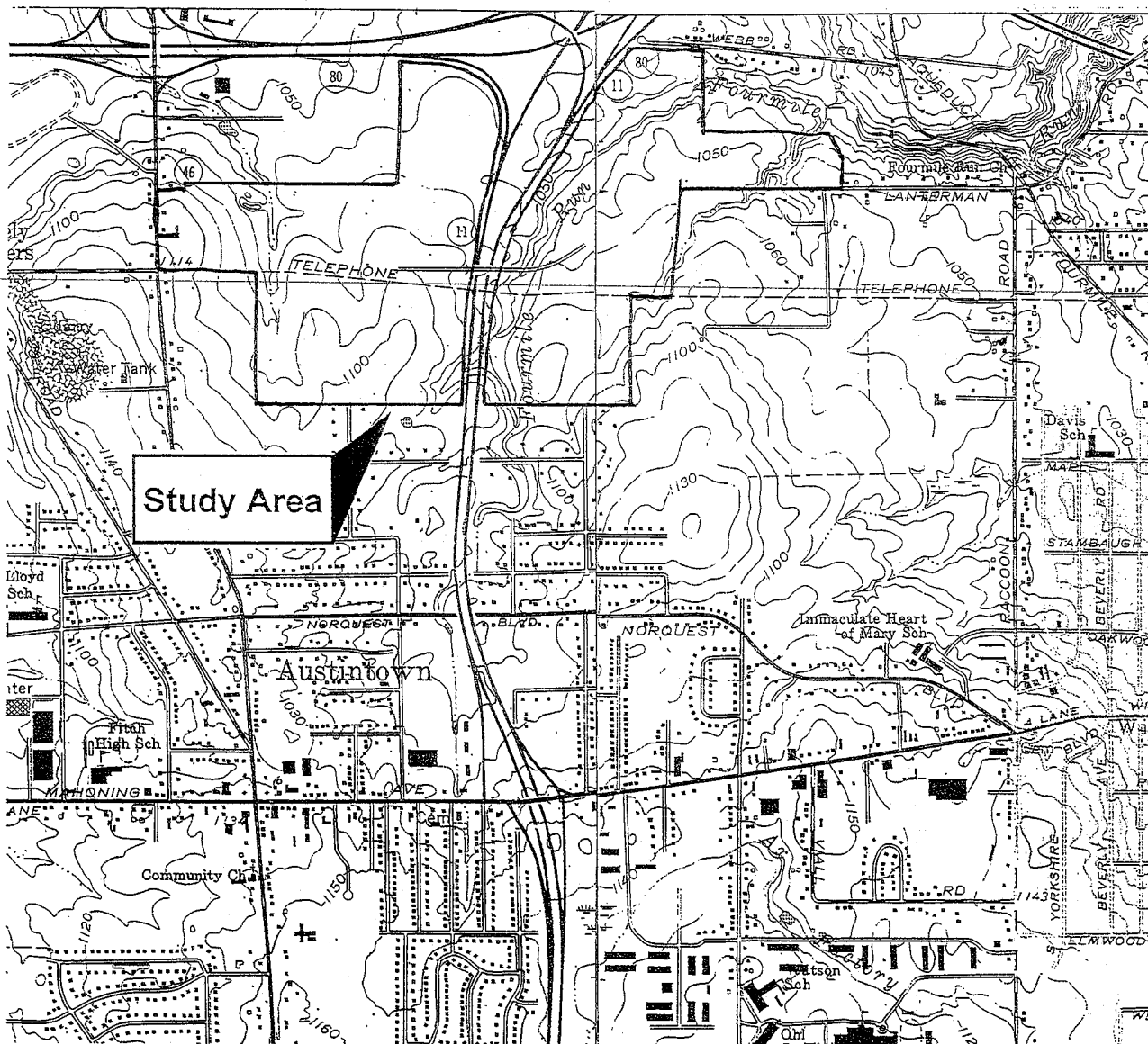


Scott A. Hans
Chief, Regulatory Branch

Appendix C **Location of Study Area on** **USGS 7.5-Minute Topographic Maps** **(Canfield and Youngstown Quadrangles)**



Site: Center Pointe Business Park, 390 Acres, Interstate 80 and Ohio 11, Austintown Township, Mahoning County, Ohio	Scale: 1" = 2,000'
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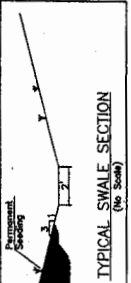
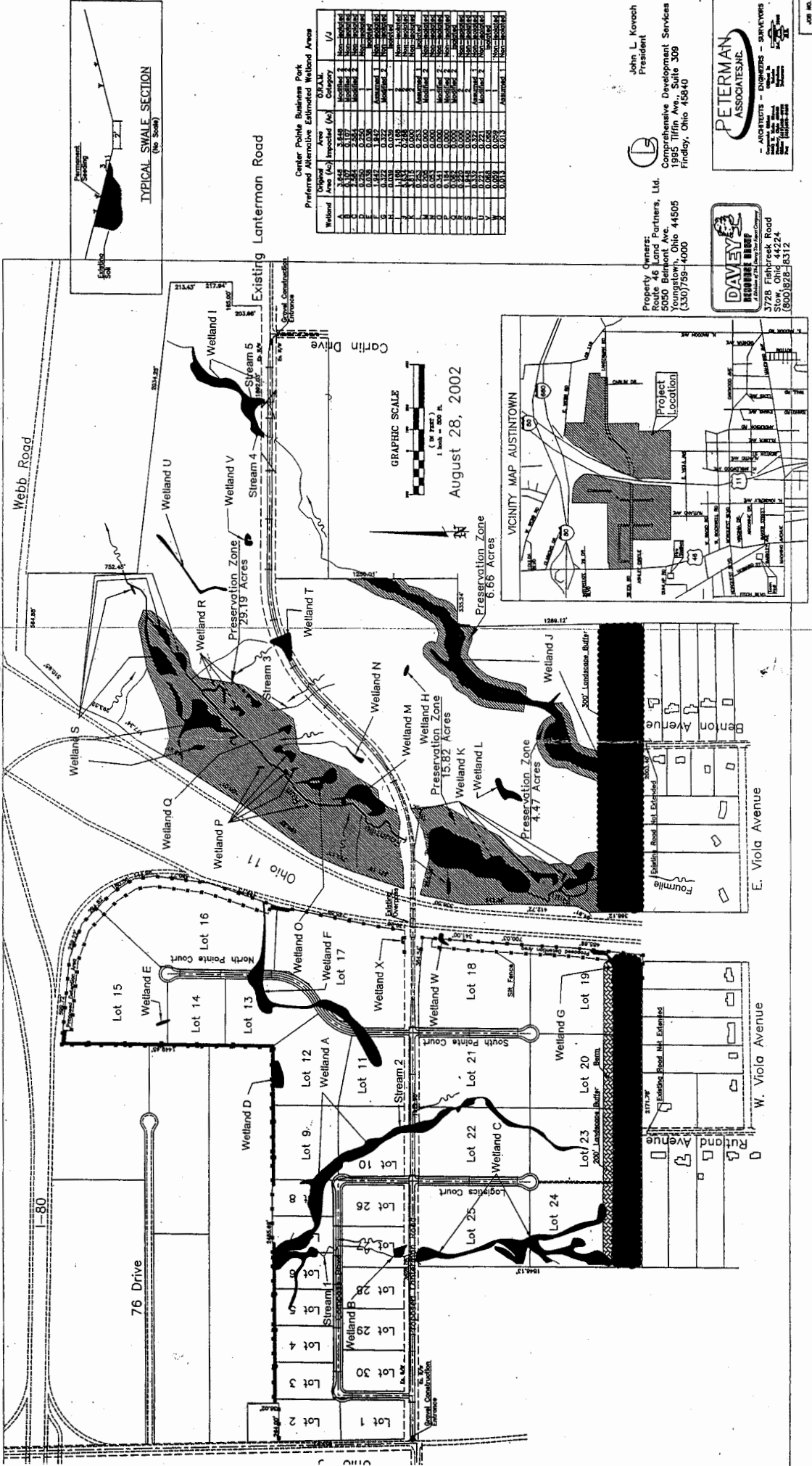
200201203

PREFERRED ALTERNATIVE CENTERPOINTE BUSINESS PARK

LEGEND

- SET FORCE
- CHECK DATA
- PROPOSED SWALE
- WETLAND AREAS NOT DISTURBED
- WETLAND AREAS IMPACTED
- PRESERVATION ZONE
- DRAINAGE ARROW

TYPICAL STORM CROSSING



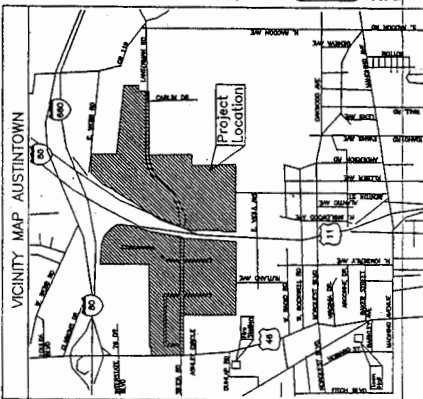
Center Pointe Business Park
Preferred Alternative Estimated Wetland Areas

Wetland	Area (Ac)	Category	U/L
W1	0.100	Wetland 1	Wetland 1
W2	0.100	Wetland 2	Wetland 2
W3	0.100	Wetland 3	Wetland 3
W4	0.100	Wetland 4	Wetland 4
W5	0.100	Wetland 5	Wetland 5
W6	0.100	Wetland 6	Wetland 6
W7	0.100	Wetland 7	Wetland 7
W8	0.100	Wetland 8	Wetland 8
W9	0.100	Wetland 9	Wetland 9
W10	0.100	Wetland 10	Wetland 10
W11	0.100	Wetland 11	Wetland 11
W12	0.100	Wetland 12	Wetland 12
W13	0.100	Wetland 13	Wetland 13
W14	0.100	Wetland 14	Wetland 14
W15	0.100	Wetland 15	Wetland 15
W16	0.100	Wetland 16	Wetland 16
W17	0.100	Wetland 17	Wetland 17
W18	0.100	Wetland 18	Wetland 18
W19	0.100	Wetland 19	Wetland 19
W20	0.100	Wetland 20	Wetland 20
W21	0.100	Wetland 21	Wetland 21
W22	0.100	Wetland 22	Wetland 22
W23	0.100	Wetland 23	Wetland 23
W24	0.100	Wetland 24	Wetland 24
W25	0.100	Wetland 25	Wetland 25
W26	0.100	Wetland 26	Wetland 26
W27	0.100	Wetland 27	Wetland 27
W28	0.100	Wetland 28	Wetland 28
W29	0.100	Wetland 29	Wetland 29
W30	0.100	Wetland 30	Wetland 30
W31	0.100	Wetland 31	Wetland 31
W32	0.100	Wetland 32	Wetland 32
W33	0.100	Wetland 33	Wetland 33
W34	0.100	Wetland 34	Wetland 34
W35	0.100	Wetland 35	Wetland 35
W36	0.100	Wetland 36	Wetland 36
W37	0.100	Wetland 37	Wetland 37
W38	0.100	Wetland 38	Wetland 38
W39	0.100	Wetland 39	Wetland 39
W40	0.100	Wetland 40	Wetland 40
W41	0.100	Wetland 41	Wetland 41
W42	0.100	Wetland 42	Wetland 42
W43	0.100	Wetland 43	Wetland 43
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W45	0.100	Wetland 45	Wetland 45
W46	0.100	Wetland 46	Wetland 46
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W50	0.100	Wetland 50	Wetland 50
W51	0.100	Wetland 51	Wetland 51
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W90	0.100	Wetland 90	Wetland 90
W91	0.100	Wetland 91	Wetland 91
W92	0.100	Wetland 92	Wetland 92
W93	0.100	Wetland 93	Wetland 93
W94	0.100	Wetland 94	Wetland 94
W95	0.100	Wetland 95	Wetland 95
W96	0.100	Wetland 96	Wetland 96
W97	0.100	Wetland 97	Wetland 97
W98	0.100	Wetland 98	Wetland 98
W99	0.100	Wetland 99	Wetland 99
W100	0.100	Wetland 100	Wetland 100

John L. Kovach
President
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ARCHITECTS - ENGINEERS - SURVEYORS
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Youngstown, Ohio 44505
(330) 759-4000

DAVEY RESOURCE GROUP
3728 Fish Creek Road
Youngstown, Ohio 44505
(330) 759-4000



200201203

- 10A) PROVIDE A DETAILED DESCRIPTION OF ANY CONSTRUCTION WORK, FILL OR OTHER STRUCTURES TO OCCUR OR TO BE PLACED IN OR NEAR THE SURFACE WATER. IDENTIFY ALL SUBSTANCES TO BE DISCHARGED, INCLUDING THE CUBIC YARDAGE OF DREDGED OR FILL MATERIAL TO BE DISCHARGED TO THE SURFACE WATER. (OAC 3745-1-54).

PREFERRED DESIGN ALTERNATIVE

Table 1. Preferred Design Impacts and Fill Amounts

<i>Waterbody</i>	<i>Amount of Impact (acres or linear feet)</i>	<i>Structure</i>
Wetland A	3.648	Roadway and lot development
Wetland B	0.107	Roadway and lot development
Wetland C	2.584	Roadway and lot development
Wetland D	0.250	Lot development
Wetland E	0.038	Lot development
Wetland F	1.942	Roadway and lot development
Wetland G	0.322	Lot development and detention area
Wetland H	0.039	Lot development
Wetland I	1.168	Roadway
Wetland J	0.266	Lot development
Wetland L	0.253	Lot development
Wetland T	0.322	Roadway
Wetland U	0.221	Lot development
Wetland V	0.068	Lot development
Wetland W	0.059	Detention area
Wetland X	0.013	Roadway
<i>Total Wetland Impacts</i>	11.3	-
Stream #1	1,892	Pipe
Stream #2	1,695	Pipe
Fourmile Run	-	
Stream #3	100	Pipe
Stream #4	957	Pipe
Stream #5	387	Pipe
<i>Total Stream Impacts</i>	5,030	-

Center Pointe Business Park
Preferred Alternative Estimated Wetland Areas

Wetland	Original Area (Ac)	Area Impacted (Ac)	O.R.A.M. Category	I/J
A	3.648	3.648	Modified 2	Non-isolated
B	0.107	0.107	Modified 2	Non-isolated
C	2.584	2.584	Modified 2	Non-isolated
D	0.250	0.250	1	Non-isolated
E	0.038	0.038	1	Isolated
F	1.942	1.942	Assumed 1	Non-isolated
G	0.322	0.322	Modified 2	Non-isolated
H	0.039	0.039	1	Isolated
I	1.168	1.168	2	Non-isolated
J	5.634	0.266	2	Non-isolated
K	3.815	0.000	2	Non-isolated
L	0.253	0.253	Assumed 1	Isolated
M	0.205	0.000	Modified 2	Non-isolated
N	0.053	0.000	1	Non-isolated
O	0.341	0.000	Modified 2	Non-isolated
P	0.184	0.000	Modified 2	Non-isolated
Q	0.062	0.000	Modified 2	Isolated
R	0.220	0.000	2	Non-isolated
S	1.948	0.000	2	Non-isolated
T	0.332	0.322	Assumed 1	Non-isolated
U	0.221	0.221	Modified 2	Non-isolated
V	0.068	0.068	1	Isolated
W	0.059	0.059	1	Non-isolated
X	0.013	0.013	Assumed 1	Non-isolated

20020/203